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PAGE 01 STATE 049297

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SUBJ: MEMORANDUM OF UNDERSTANDING BETWEEN NSF AND
ROMANIAN NATIONAL COUNCIL FOR S& T.

1. FOLLOWING IS TEXT OF NATIONAL SCIENCE FOUNDATION
(NSF) DRAFT AGREEMENT WITH ROMANIAN NATIONAL COUNCIL FOR
SCIENCE AND TECHNOLOGY (NCST). PLEASE PASS TO NSF REPRESENTATIVE HULL FOR TRANSMISSION TO NCST.

2. BEGIN TEXT.
MEMORANDUM OF UNDERSTANDING ON SCIENTIFIC COOPERATION BETWEEN THE NATIONAL SCIENCE FOUNDATION OF THE UNITED STATES OF AMERICA AND THE NATIONAL COUNCIL FOR SCIENCE
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PAGE 02 STATE 049297

AND TECHNOLOGY OF THE SOCIALIST REPUBLIC OF ROMANIA.

I. FOREWORD

PURSUANT TO ARTICLE II, PARAGRAPH 4 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA ON EXCHANGES AND COOPERATION IN EDUCATIONAL, CULTURAL, SCIENTIFIC, AND OTHER FIELDS IN 1973-1974,

WHEREIN THE GOVERNMENTS SUPPORT THE CONCLUSION OF A MEMORANDUM OF UNDERSTANDING ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE NATIONAL SCIENCE FOUNDATION OF THE UNITED STATES OF AMERICA AND THE NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY OF THE SOCIALIST REPUBLIC OF ROMANIA, HEREINAFTER REFERRED TO AS "THE PARTIES," THESE PARTIES CONFIRM THEIR RECOGNITION OF THE MUTUAL BENEFIT WHICH MAY BE DERIVED BY EXPANDING THE PRESENT SCIENTIFIC AND TECHNOLOGICAL RELATIONSHIPS BETWEEN THE TWO COUNTRIES, AND AGREE TO CONDUCT BETWEEN THEM THE PROGRAM OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION EMBODIED IN THIS MEMORANDUM OF UNDERSTANDING.

II. PRINCIPLES

1. THE AIM OF THIS COOPERATIVE PROGRAM IS TO ENCOURAGE AND INCREASE THE EXCHANGE OF SCIENTISTS AND COOPERATIVE SCIENTIFIC ACTIVITIES BETWEEN SCIENTISTS, ENGINEERS, SCHOLARS, AND INSTITUTIONS OF RESEARCH AND HIGHER LEARNING OF THE TWO COUNTRIES, AND TO PROVIDE THEM WITH MORE OPPORTUNITIES TO EXCHANGE INFORMATION, IDEAS, SKILLS, AND TECHNIQUES, TO ATTACK PROBLEMS OF COMMON INTEREST, AND TO UTILIZE FACILITIES AND EQUIPMENT AVAILABLE IN BOTH COUNTRIES FOR SCIENTIFIC RESEARCH.

2. THE SCOPE OF THE COOPERATION WILL COVER ALL BRANCHES OF SCIENCE AND TECHNOLOGY, INCLUDING BASIC AND APPLIED ASPECTS OF THE NATURAL SCIENCES AND MATHEMATICS, THE ENGINEERING SCIENCES, AND THE SOCIAL SCIENCES, BUT EXCLUDING TOPICS IN THE CLINICAL MEDICAL SCIENCES, BUSINESS ADMINISTRATION, AND EDUCATION.

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PAGE 03 STATE 049297

3. JOINT SCIENTIFIC WORK WILL BE CONDUCTED BETWEEN SCIENTIFIC INSTITUTIONS OF THE TWO COUNTRIES BY SCIENTISTS WORKING TOGETHER IN THE LABORATORIES OF EACH COUNTRY.

4. THE EXCHANGES AND VISITS PROVIDED FOR HEREIN SHALL BE SUBJECT TO THE CONSTITUTIONAL REQUIREMENTS AND APPLICABLE LAWS AND REGULATIONS OF THE TWO COUNTRIES.

5. NOTHING IN THIS MEMORANDUM SHALL AFFECT EXISTING AGREEMENTS AND OTHER ARRANGEMENTS BETWEEN AGENCIES OR ORGANIZATIONS OF THE TWO COUNTRIES IN THE FIELDS OF SCIENCE AND TECHNOLOGY AS DEFINED IN PARA 2 ABOVE, NOR SHALL THE CONCLUSION OF ADDITIONAL AGREEMENTS OR ARRANGEMENTS IN THESE FIELDS BE PRECLUDED BY THE EXISTENCE OF THIS MEMORANDUM.

III. CONDUCT OF THE PROGRAM

1. CRITICAL TERMS USED IN THIS SECTION AND IN THE REMAINDER OF THIS MEMORANDUM ARE DEFINED IN SECTION VIII, HEREFTER.

2. THE PARTIES TO THIS MEMORANDUM WILL BE RESPONSIBLE JOINTLY FOR DIRECT TRANSACTION OF ALL MATTERS OF PROGRAM POLICY AND FOR THE OVERALL COORDINATION OF THE PROGRAM.

3. UPON REQUEST OF A GOVERNMENTAL SCIENTIFIC AGENCY OF ONE SIDE, THE PARTY OF THAT SIDE, WITH THE CONCURRENCE OF THE PARTY OF THE OTHER SIDE, MAY DESIGNATE THE REQUESTING AGENCY AS A PARTICIPATING AGENCY, TO PARTICIPATE IN THE PROGRAM ON BEHALF OF ONE OR MORE INSTITUTIONS, LABORATORIES, INSTALLATIONS, SCIENTIFIC SOCIETIES, OR OTHER BODIES OR INDIVIDUALS WITHIN THE AGENCY'S ESTABLISHED PURVIEW, FOR THE IMPLEMENTATION AND COORDINATION OF THE DEFINED ACTIVITY OR DEFINED SET OF ACTIVITIES ASSIGNED BY THE PARTY TO THE COGNIZANCE OF THE DESIGNATED PARTICIPATING AGENCY.

4. THE PARTIES, OR THEIR DESIGNATED PARTICIPATING AGENCIES IN THE CASE OF ACTIVITIES ASSIGNED TO THE COGNILIMITED OFFICIAL USE

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PAGE 04 STATE 049297

ZANCE OF SUCH PARTICIPATING AGENCIES, SHALL BE THE RESPONSIBLE AGENCIES TO RECEIVE AND CONSIDER PROPOSALS AND APPLICATIONS ORIGINATING FROM SCIENTISTS OF THEIR RESPECTIVE SIDES. THE RESPONSIBLE AGENCIES OF EACH SIDE SHALL REVIEW THESE PROPOSALS AND APPLICATIONS TO ASSURE THAT THEY CONFORM WITH THE PROVISIONS OF THIS MEMORANDUM AND WITH THE PROGRAM GUIDELINES ESTABLISHED BY THE PARTY OF THE RESPECTIVE COUNTRY. RESPONSIBLE AGENCIES SHALL EVALUATE THE MERIT OF PROPOSALS AND APPLICATIONS WITHIN THEIR COGNIZANCE AND SHALL EXCHANGE THEM WITH RESPONSIBLE AGENCIES OF THE OTHER SIDE. PROPOSED ACTIVITIES MAY BE INCORPORATED INTO THE PROGRAM ONLY UPON APPROVAL OF THE ACTIVITY BY THE RESPONSIBLE AGENCY OF EACH SIDE. COMMUNICATIONS DEALING WITH THE

DEVELOPMENT, IMPLEMENTATION, OR PERFORMANCE OF PROPOSED OR APPROVED ACTIVITIES SHALL BE CONDUCTED DIRECTLY BETWEEN THE RESPONSIBLE AGENCIES OF THE TWO SIDES.

5. TO THE MAXIMUM EXTENT POSSIBLE CONSISTENT WITH SOUND MANAGEMENT, PLANS FOR PROJECTS OR OTHER ACTIVITIES WILL BE FORMULATED AND DEVELOPED BY DIRECT CONTACT BETWEEN INTERESTED SCIENTISTS OF THE TWO COUNTRIES, AND EACH WILL SUBMIT HIS PROPOSAL OR APPLICATION TO THE RESPONSIBLE AGENCY IN HIS COUNTRY.

6. THE PARTIES AGREE THAT EACH SIDE WILL SHARE IN THE EFFORT AND THE COST OF EACH ACTIVITY WITHIN THE PROGRAM AND THAT EACH SIDE WILL CONTRIBUTE TO THE ACCOMPLISHMENT OF EACH APPROVED ACTIVITY. THIS PROVISION DOES NOT REQUIRE, HOWEVER, ANY PRECISE MATCHING OF FUNDS, MANPOWER, OR FACILITIES IN ANY GIVEN ACTIVITY.

7. OBLIGATIONS ASSUMED BY THE RESPONSIBLE AGENCIES FOR THE IMPLEMENTATION OF ACTIVITIES UNDER THIS MEMORANDUM WILL BE SUBJECT TO THE AVAILABILITY OF FUNDS.

8. THE PARTIES AND OTHER RESPONSIBLE AGENCIES OF EACH SIDE WILL SEEK TO FACILITATE, TO THE EXTENT FEASIBLE, THROUGH COLLABORATION WITH THE APPROPRIATE AUTHORITIES, THE GRANTING OF VISAS AND OTHER FORMS OF LIMITED OFFICIAL USE

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PAGE 05 STATE 049297

OFFICIAL PERMISSION FOR ENTRY TO AND EXIT FROM THEIR RESPECTIVE NATIONAL TERRITORIES OF PERSONNEL, EQUIPMENT, AND SUPPLIES FROM THE OTHER COUNTRY WHEN REQUIRED FOR PARTICIPATION OR UTILIZATION IN AN ACTIVITY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH 4 OF THIS SECTION BY THE RESPONSIBLE AGENCIES OF BOTH COUNTRIES.

9. SCIENTIFIC AND TECHNICAL INFORMATION DERIVED FROM AN ACTIVITY UNDER THIS PROGRAM SHALL BE MADE AVAILABLE THROUGH PUBLICATION IN SCIENTIFIC JOURNALS OR OTHER CUSTOMARY CHANNELS FOR SCIENTIFIC INFORMATION IN ACCORDANCE WITH NORMAL SCIENTIFIC PROCEDURES. THIS PROVISION SHALL BE IMPLEMENTED WITH DUE REGARD FOR EXISTING PROPRIETARY RIGHTS AND EXISTING OR POTENTIAL PATENT RIGHTS AS HEREINAFTER SPECIFIED.

10. A. WITH RESPECT TO AN INVENTION WHICH IS OR MAY BE PATENTABLE, JOINTLY CONCEIVED OR FIRST ACTUALLY REDUCED TO PRACTICE BY COLLABORATING PARTICIPANTS OF

THE TWO SIDES IN THE COURSE OF ANY ACTIVITY CARRIED OUT UNDER THIS MEMORANDUM OF UNDERSTANDING, THE PARTIES

AGREE THAT THE BENEFITS ACCRUING FROM ANY PATENT OR OTHER RIGHTS AVAILABLE UNDER THE LAWS OF EITHER OR BOTH COUNTRIES SHALL BE EQUITABLY ASSIGNED BETWEEN CO-INVENTORS OF THE SENDING AND RECEIVING SIDES, SUBJECT TO ANY PRE- EXISTING RESTRICTIONS, CONTRACTS, OR OBLIGATIONS AFFECTING SUCH CO- INVENTORS' RIGHTS IN AND TO THEIR INVENTION.

B. WITH RESPECT TO AN INVENTION WHICH IS OR MAY BE PATENTABLE UNDER THE LAWS OF EITHER COUNTRY, CONCEIVED OR FIRST REDUCED TO PRACTICE BY A PARTICIPANT OR PARTICIPANTS OF ONE COUNTRY DURING THE COURSE OF A VISIT TO THE OTHER, THE PARTIES AGREE THAT THE VISITING PARTICIPANT, SUBJECT TO ANY PRE- EXISTING RESTRICTIONS, CONTRACTS, OR OBLIGATIONS AFFECTING HIS RIGHTS IN AND TO HIS INVENTION, SHALL GRANT TO THE PARTY OF THE RECEIVING SIDE AT LEAST A ROYALTY- FREE, NONTRANSFERABLE, NONEXCLUSIVE LICENSE TO UTILIZE ANY PATENT WHICH MAY LIMITED OFFICIAL USE

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PAGE 06 STATE 049297

BE RECEIVED. THE PARTIES FURTHER AGREE THAT THE VISITOR SHALL GRANT ADDITIONAL LICENSES ON REASONABLE TERMS IN THE CIRCUMSTANCES TO ANY NOMINEE OF THE RECEIVING PARTY IF THE RECEIVING PARTY DETERMINES THAT THE PATENTED PRODUCT OR PROCESS IS NOT AVAILABLE AT A REASONABLE PRICE WITHIN THE TERRITORY OF THE RECEIVING SIDE.

IV. ACTIVITIES OF THE PROGRAM

1. THE PARTIES AGREE THAT THE PROGRAM SHALL ENCOURAGE AND SUPPORT EXCHANGE OF SCIENTISTS AND COOPERATIVE SCIENTIFIC ACTIVITI

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